

**Public Services**

Engineering
212 Operations Center Drive
Wilmington, NC 28412
910 341-7807
910 341-5881 fax
wilmingtonnc.gov
Dial 711 TTY/Voice

October 23, 2015

Mr. L. Brian Cheshire
Flamingo Properties, LLC
884 Cheshire Road
Rocky Point NC 28457

**Subject: Stormwater Management Permit No. 2003007R1
Smithfield' Bar-B-Q 17th St
Offsite Permit Revision**

Dear Mr. Cheshire:

The City of Wilmington Engineering Division has received a request for a revision to the Stormwater Management Permit for Smithfield's Bar-B-Q. Having reviewed the application and all supporting materials, the City of Wilmington has determined that the proposed revision meets the requirements of the City of Wilmington's Comprehensive Stormwater Ordinance.

The revisions include:

- Demolition and reconstruction of the building
- Reconfiguration of a portion of the parking lot

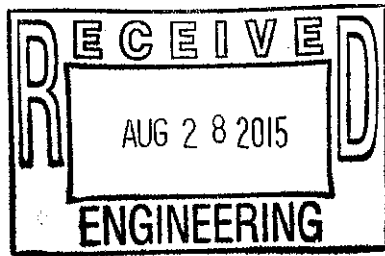
Please be aware all terms and conditions of the permit 2/20/2003 remain in full force and effect. Any additional changes to the approved plans must be approved by this office prior to construction. The issuance of the plan revision does not preclude the permittee from complying with all other applicable statutes, rules, regulations or ordinances which may have jurisdiction over the proposed activity, and obtaining a permit or approval prior to construction.

The revised stamped, approved stormwater management drawings will be released for construction by the Wilmington Planning Division under separate cover. Please replace any old plan sheets from the approved set with the new, revised sheet. An electronic copy of the approved drawing set, permit, application and supplementary documents will be maintained by the Wilmington Engineering Division. If you have any questions, or need additional information, please contact Robert Gordon at (910) 341-5856 or rob.gordon@wilmingtonnc.gov

Sincerely,

for Sterling Cheatham, City Manager
City of Wilmington

cc: Phil Tripp PE, Tripp Engineering
Jim Diepenbrock, Wilmington Development Services/Planning



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STORMWATER MANAGEMENT PERMIT APPLICATION FORM
(Form SWP 2.2)

I. GENERAL INFORMATION

1. Project Name (subdivision, facility, or establishment name - should be consistent with project name on plans, specifications, letters, operation and maintenance agreements, etc.):

Smithfield's Bar-B-Q 17th Street

2. Location of Project (street address):

3705 Patriot Way

City: Wilmington

County: New Hanover

Zip: 28412

3. Directions to project (from nearest major intersection):

Approx. 2.25 mi. south from the intersection of US Hwy 76 and NC 132.

Turn right onto 17th Street Ext. Site is approximately 630 lf on the left.

II. PERMIT INFORMATION

1. Specify the type of project (check one): Low Density High Density
☒ Drains to an Offsite Stormwater System Drainage Plan Other

If the project drains to an Offsite System, list the Stormwater Permit Number(s):

City of Wilmington: _____ State - NCDENR/DWQ: SW8 981023 Mod

2. Is the project currently covered (whole or in part) by an existing City or State (NCDENR/DWQ) Stormwater Permit? ☒ Yes No

If yes, list all applicable Stormwater Permit Numbers:

City of Wilmington: 2003007 State - NCDENR/DWQ: SW8 020840

3. Additional Project Permit Requirements (check all applicable):

CAMA Major ☒ Sedimentation/Erosion Control

NPDES Industrial Stormwater 404/401 Permit: Proposed Impacts: _____

If any of these permits have already been acquired please provide the Project Name, Project/Permit Number, issue date and the type of each permit:

III. CONTACT INFORMATION

1. Print Applicant / Signing Official's name and title (specifically the developer, property owner, lessee, designated government official, individual, etc. who owns the project):

Applicant / Organization: Flamingo Properties, LLC

Signing Official & Title: L. Brian Cheshire, Member Manager

- a. Contact information for Applicant / Signing Official:

Street Address: 884 Cheshire Road

City: Rocky Point State: NC Zip: 28457

Phone: 617-6000 Fax: _____ Email: lbchesh@yahoo.com

Mailing Address (if different than physical address): _____

City: _____ State: _____ Zip: _____

- b. Please check the appropriate box. The applicant listed above is:

☒ The property owner (Skip to item 3)

Lessee* (Attach a copy of the lease agreement and complete items 2 and 2a below)

Purchaser* (Attach a copy of the pending sales agreement and complete items 2 and 2a below)

Developer* (Complete items 2 and 2a below.)

2. Print Property Owner's name and title below, if you are the lessee, purchaser, or developer. (This is the person who owns the property that the project is on.)

Property Owner / Organization: _____

Signing Official & Title: _____

- a. Contact information for Property Owner:

Street Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Mailing Address (if different than physical address): _____

City: _____ State: _____ Zip: _____

3. (Optional) Print the name and title of another contact such as the project's construction supervisor or another person who can answer questions about the project:

Other Contact Person / Organization: _____

Signing Official & Title: _____

a. Contact information for person listed in item 3 above:

Street Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Mailing Address (if different than physical address): _____

City: _____ State: _____ Zip: _____

IV. PROJECT INFORMATION

1. In the space provided below, briefly summarize how the stormwater runoff will be treated.

Existing off-site wet detention basin

2. Total Property Area: 45,558 square feet

3. Total Coastal Wetlands Area: 0 square feet

4. Total Surface Water Area: 0 square feet

5. Total Property Area (2) – Total Coastal Wetlands Area (3) – Total Surface Water Area (4) = Total Project Area: 45,558 square feet.

6. Existing Impervious Surface within Property Area: 31,409 square feet

7. Existing Impervious Surface to be Removed/Demolished: 17,599 square feet

8. Existing Impervious Surface to Remain: 13,810 square feet

9. Total Onsite (within property boundary) Newly Constructed Impervious Surface (*in square feet*):

Buildings/Lots	4,614
Impervious Pavement	10,953
Pervious Pavement (adj. total, with % credit applied)	0
Impervious Sidewalks	1,472
Pervious Sidewalks (adj. total, with % credit applied)	0
Other (describe)	0
Future Development	2,151
Total Onsite Newly Constructed Impervious Surface	19,190

10. Total Onsite Impervious Surface

(Existing Impervious Surface to remain + Onsite Newly Constructed Impervious Surface) = 33,000 square feet

11. Project percent of impervious area: (Total Onsite Impervious Surface / Total Project Area) x100 = 72 %

12. Total Offsite Newly Constructed Impervious Area (improvements made outside of property boundary, in square feet):

Impervious Pavement	0
Pervious Pavement (adj. total, with % credit applied)	0
Impervious Sidewalks	0
Pervious Sidewalks (adj. total, with % credit applied)	0
Other (describe)	0
Total Offsite Newly Constructed Impervious Surface	0

13. Total Newly Constructed Impervious Surface

(Total Onsite + Offsite Newly Constructed Impervious Surface) = 33,000 square feet

14. Complete the following information for each Stormwater BMP drainage area. If there are more than three drainage areas in the project, attach an additional sheet with the information for each area provided in the same format as below. Low Density projects may omit this section and skip to Section V.

Basin Information	BMP # 1	BMP #	BMP #
Receiving Stream Name	Barnards Creek		
Receiving Stream Index Number	18-80		
Stream Classification	C; Sw		
Total Drainage Area (sf)	45,558		
On-Site Drainage Area (sf)	45,558		
Off-Site Drainage Area (sf)	0		
Total Impervious Area (sf)	33,000		
Buildings/Lots (sf)	4,614		
Impervious Pavement (sf)	10,953		
Pervious Pavement (sf)	0		
Impervious Sidewalks (sf)	1,472		
Pervious Sidewalks (sf)	0		
Other (sf)	0		
Future Development (sf)	2,151		
Existing Impervious to remain (sf)	13,810		
Offsite (sf)	0		
Percent Impervious Area (%)	72		

15. How was the off-site impervious area listed above determined? Provide documentation:

NA

V. SUBMITTAL REQUIREMENTS

1. Supplemental and Operation & Maintenance Forms - One applicable City of Wilmington Stormwater BMP supplement form and checklist must be submitted for **each** BMP specified for this project. One applicable proposed operation and maintenance (O&M) form must be submitted for **each type** of stormwater BMP. Once approved, the operation and maintenance forms must be referenced on the final plat and recorded with the register of deeds office.
2. Deed Restrictions and Restrictive Covenants - For all subdivisions, outparcels, and future development, the appropriate property restrictions and protective covenants are required to be recorded prior to the sale of any lot. Due to variability in lot sizes or the proposed BUA allocations, a table listing each lot number, lot size, and the allowable built-upon area must be provided as an attachment to the completed and notarized deed restriction form. The appropriate deed restrictions and protective covenants forms can be downloaded at the link listed in section V (3). Download the latest versions for each submittal.

In instances where the applicant is different than the property owner, it is the responsibility of the property owner to sign the deed restrictions and protective covenants form while the applicant is responsible for ensuring that the deed restrictions are recorded.

By the notarized signature(s) below, the permit holder(s) certify that the recorded property restrictions and protective covenants for this project, if required, shall include all the items required in the permit and listed on the forms available on the website, that the covenants will be binding on all parties and persons claiming under them, that they will run with the land, that the required covenants cannot be changed or deleted without concurrence from the City of Wilmington, and that they will be recorded prior to the sale of any lot.

3. Only complete application packages will be accepted and reviewed by the City. A complete package includes all of the items listed on the City Engineering Plan Review Checklist, including the fee. Copies of the Engineering Plan Review Checklist, all Forms, Deed Restrictions as well as detailed instructions on how to complete this application form may be downloaded from:

<http://www.wilmingtonnc.gov/PublicServices/Engineering/PlanReview/StormwaterPermits.aspx>

The complete application package should be submitted to the following address:

City of Wilmington – Engineering
Plan Review Section
212 Operations Center Dr
Wilmington, NC 28412

VI. CONSULTANT INFORMATION AND AUTHORIZATION

1. Applicant: Complete this section if you wish to designate authority to another individual and/or firm (such as a consulting engineer and /or firm) so that they may provide information on your behalf for this project (such as addressing requests for additional information).

Consulting Engineer: Phillip G. Tripp, P.E.

Consulting Firm: Tripp Engineering

- a. Contact information for consultant listed above:

Mailing Address: 419 Chestnut Street

City: Wilmington State: NC Zip: 28401

Phone: 763-5100 Fax: 763-5631 Email: trippeng@ec.rr.com

VII. PROPERTY OWNER AUTHORIZATION (If Section III(2) has been filled out, complete this section)

I, (print or type name of person listed in Contact Information, item 2) _____, certify that I own the property identified in this permit application, and thus give permission to (print or type name of person listed in Contact Information, item 1) _____ with (print or type name of organization listed in Contact Information, item 1) _____ to develop the project as currently proposed. A copy of the lease agreement or pending property sales contract has been provided with the submittal, which indicates the party responsible for the operation and maintenance of the stormwater system.

As the legal property owner I acknowledge, understand, and agree by my signature below, that if my designated agent (entity listed in Contact Information, item 1) dissolves their company and/or cancels or defaults on their lease agreement, or pending sale, responsibility for compliance with the City of Wilmington Stormwater Permit reverts back to me, the property owner. As the property owner, it is my responsibility to notify the City of Wilmington immediately and submit a completed Name/Ownership Change Form within 30 days; otherwise I will be operating a stormwater treatment facility without a valid permit. I understand that the operation of a stormwater treatment facility without a valid permit is a violation of the City of Wilmington Municipal Code of Ordinances and may result in appropriate enforcement including the assessment of civil penalties.

SEAL

Signature: _____

Date: _____

I, _____, a Notary Public for the

State of _____, County of _____, do

hereby certify that _____

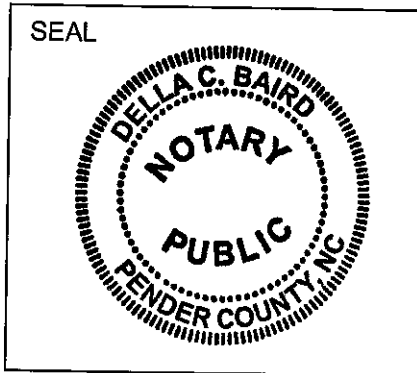
personally appeared before me this day of _____, _____,

and acknowledge the due execution of the application for a stormwater permit. Witness my hand and official seal,

My commission expires: _____

VIII. APPLICANT'S CERTIFICATION

I, (print or type name of person listed in Contact Information, Item 1), L. Brian Cheshire certify that the information included on this permit application form is, to the best of my knowledge, correct and that the project will be constructed in conformance with the approved plans, that the required deed restrictions and protective covenants will be recorded, and that the proposed project complies with the requirements of the applicable stormwater rules under.



Signature: L. Brian Cheshire
Date: 8/27/15

I, Della C Baird, a Notary Public for the State of North Carolina, County of Pender, do hereby certify that L. Brian Cheshire personally appeared before me this 27 day of August, 2015, and acknowledge the due execution of the application for a stormwater

permit. Witness my hand and official seal,

Della C Baird
My commission expires: 10-15-16